

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, April 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, Sacks, Thnay, Zermeno

CHAIRPERSON Caveglia

Absent: COMMISSIONER Halliday, Williams

Staff Members Present: Conneely, Garcia, Looney, Patenaude

General Public Present: Approximately 8

PUBLIC COMMENT

Chairperson Caveglia thanked Bill McColl, the studio technician, who has served the City for the past year and who is leaving.

AGENDA

1. Conditional Use Permit 01-160-03/Vesting Tentative Map Tract 7311 - The Olson Company (*Applicants*) T.K. Chen et al; David J. Vorous; Olga Deviar; and James K. & Pearl C. Arhontes (*Owners*): Request for a Conditional Use Permit and Tentative Map to Construct 70 Condominium Multi-Family Residences on 2.73 Acres. *The Property Is Located at Atherton and "D" Streets within the Central City Residential/Commercial (CC-R/C) Sub-Districts.*

PUBLIC HEARINGS

1. Conditional Use Permit 01-160-03/Vesting Tentative Map Tract 7311 - The Olson Company (*Applicants*) T.K. Chen et al; David J. Vorous; Olga Deviar; and James K. & Pearl C. Arhontes (*Owners*): Request for a Conditional Use Permit and Tentative Map to Construct 70 Condominium Multi-Family Residences on 2.73 Acres. *The Property Is Located at Atherton and "D" Streets within the Central City Residential/Commercial (CC-R/C) Sub-Districts.*

Acting Principal Planner Patenaude made the staff presentation, describing the property location in the downtown area. At the urging of staff, the number of units was increased to be consistent with the City's Downtown plans. He described the units and their flexibility and noted that, although the City does not yet have a "live-work" ordinance, the units are built to

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accommodate the live-work lifestyle. The project only requires one and one-half parking spaces per unit but the project provides for two garage spaces per unit. This could allow for an opportunity for redesign at some of the units. He noted that the developer has decided not to request a *Vesting* Tentative Tract Map since they foresee beginning the job immediately. He noted that staff recommended approval of the project.

Commissioner Sacks wondered whether reverberation on the development on the other side of the railroad/BART tracks might be made worse with the erection of the required 14-foot soundwall.

Acting Principal Planner Patenaude explained that the project to be located to the west would also have a sound wall.

Commissioner Sacks then asked what would happen to the required water features during a drought and whether the conditions need to address the "live/work" spaces. She also expressed concern about no emergency exit from the stub streets at the back of the project.

Commissioner Bogue asked about the project being split between two different zoning districts. Although the residential use fits right into the Central City Residential, the project does not fit into the Central City Commercial (CC-C). He commented that the uses in the CC-C might be inconsistent with the intent of the project.

Acting Principal Planner Patenaude explained that the split zoning was the reason for the Conditional Use Permit. He noted that the CC-C designation was for the restaurant previously located on the site. The CC-C District allows ground-floor residential units with a Conditional Use Permit. This permit would lock in the residential use and the commercial uses would not be permitted.

Commissioner Bogue then asked for a further description of the rooftop gardens and for more information about the live-work proposal.

Acting Principal Planner Patenaude said that since the City does not presently have a live-work ordinance, the occupants would be restricted to commercial uses that would otherwise be allowed as a home occupation.

Commissioner Thnay said he thought the plazas are a really a great idea. He expressed concern about the cost of the storm drain system, which would be the responsibility of the Homeowners Association. He then asked about any City trees on the property which may be removed.

Acting Principal Planner Patenaude responded that the Homeowners Association would be well established by the time any replacements would need to be made. He added that any tree removal would require a permit because certain existing trees might be preserved.

Commissioner Thnay said he thought the live-work concept was a good idea. He asked if the potential residents might be fiscally challenged, whether the City could reduce the costs of



permits for alteration of the interior spaces.

Acting Principal Planner Patenaude explained that costs for permits would be minimal since it is for new tenant improvement permits.

Commissioner Zermeño commented that a number of structures on the property would be demolished. He expressed anticipation that the emergency vehicle turnaround might become a recreational area with a basketball hoop or something similar for residents.

The public hearing was opened at 8:15 p.m.

Fred J. Musser, The Olson Company, San Ramon, commended staff for all of their cooperation on the project. He said their company specializes in in-fill projects like this. They will be developing a number of sites in Hayward and wanted to come in with distinctive products to fit the neighborhoods. This loft-concept is new to City of Hayward and unique. He noted that there would be more exciting projects coming. The developer met with the neighborhood. They were interested and supportive of the project. In response to some Commissioner inquiries, he noted that recycled water would be used in the fountains; that the roof gardens will be areas where residents could have planters and would be a pleasant space for them to go. He discussed the Homeowners Association, noting that it will be established under the aegis of the California Department of Real Estate. Any common areas of responsibility to be replaced would be covered by a reserve fund. He said the State looks at the fund and the length of time it will take for an established amenity to be replaced to determine the cost per homeowner. The fund must be established to be able to pay the full amount at the end of the time period. He noted that they liked the idea of a recreational area at the end of the turnaround.

Commissioner Thnay suggested that bike racks be placed within the project along with a nice project sign.

Mr. Musser said he liked the bike rack suggestion and would look into that.

The public hearing was closed at 8:32 p.m.

Commissioner Bogue asked for further information on the parking spaces and whether their conversion might not lead to less space than the City allotment.

Acting Principal Planner Patenaude said that at this point they are approving the proposal with two car spaces per unit. The City requirement is for only one and one-half, and this project exceeds the minimum parking requirement. The intent of the City plans is to place high-density projects in the downtown near public parking and BART and other public

transportation nearby so that there will not be the need for so many spaces for cars, therefore the suggestion that owners be allowed to convert some of the garage spaces to living space.

Commissioner Bogue allowed that they would still need to park. He suggested that it is an added benefit to have two garage spaces per unit. He thought the Commission might hold against the conversion of garages for now.

Acting Principal Planner Patenaude explained that the intent of any garage conversion within the project would apply only to the tandem garages since these are the most easily convertible. These are only half the garages in the project, so the project would still meet the City standard for spaces.

Commissioner Sacks moved, seconded by Commissioner Zermeño, to find the project categorically exempt from CEQA review, approve the Conditional Use Permit and the Tentative Tract map subject to findings and conditions, with the following changes: Conditions of Approval #12, edit to read, "The wall may be located *on the property line provided the applicant makes all reasonable attempts to enter into an agreement with BART* to allow for access for maintenance purposes. Delete condition 15.d.; and delete Condition of Approval 38.c. for Tentative Tract Map 7311. **The motion passed unanimously, as amended, 5:0, with Commissioners Halliday and Williams absent.**

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters – There were no oral reports.

3. Commissioners' Announcements, Referrals –

Commissioner Sacks asked about garage conversions and related issues for the General Plan amendments. She commented that as the character of the City changes, even one and one-half spaces might be a thing of the past as family size increases.

Acting Principal Planner Patenaude indicated that parking issues and related concerns would be discussed in the future.

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- March 22, 2001 - Approved
- April 12, 2001 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 8:46 P.M.

APPROVED:

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COMMISSION, CITY OF HAYWARD, Council
Chambers**

**Thursday, April 26, 2001, 7:30 P.M.
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Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

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